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2 BILL NO. G-96-04-09

3 GENERAL ORDINANCE NO. G-14-96

4 AN ORDINANCE for the purpose of
5 vacating a dedicated utility easement.

6 WHEREAS, a petition to vacate a dedicated utility easement within the City of Fort
7 Wayne (as more specifically described below) was duly filed with the City Planning
8 Commission; and

9 WHEREAS, said Commission duly held a public hearing thereon; and

10 WHEREAS, said Commission has duly forwarded its recommendation to this body
11 approving said petition, and this body having held a public hearing on said vacation as
12 provided in I.C. 36-7-3-12; and

13 WHEREAS, this body concurs in the recommendation of the City Planning
14 Commission.

15 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
16 CITY OF FORT WAYNE, INDIANA:

17 SECTION 1. That the petition filed herein to vacate a dedicated utility easement
18 within the City of Fort Wayne, more specifically described as follows, to-wit:

19 A seven (7') foot utility easement on the south side of Lot No. 132 in the Village
20 of Buckingham, Section II, except the west and east 25 feet of the 7 foot wide
21 easement.

22 and which vacating allows the dedicated utility easement to
23 revert to the ownership of the adjacent property owners.

24 SECTION 2. That this Ordinance shall be in full force and effect from and after
25 its passage, any and all necessary approval by the Mayor.
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3 Thomas E. Hayburn
4 COUNCILMEMBER
5

6 APPROVED AS TO FORM AND LEGALITY:

7 J. Timothy McCauley
8 J. TIMOTHY MCCAULAY, CITY ATTORNEY
9

10 ** Public hearing to be held on Tuesday,
11 the 28th day of May, 1996,
12 in the Council Chambers.
13

14 Sandra E. Kennedy
15 Sandra E. Kennedy, City Clerk
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Read the first time in full and on motion by Ravine
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on 4-9-96 the 19 day of April at 10:30 o'clock

M., E.S.T.

DATED:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine
and duly adopted, placed on its passage. PASSED
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7			2
BENDER	✓			
CRAWFORD	✓			
EDMONDS				✓
HALL	✓			
HAYHURST	✓			
HENRY	✓			
LUNSEY				✓
RAVINE	✓			
SCHMIDT	✓			

DATED:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 9-14-96

on the 28th day of May, 1996

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
DD Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 29th day of May, 1996,
at the hour of 11:00 o'clock PM, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of May,
1996, at the hour of 10:30 o'clock PM, M., E.S.T.

Paul Heimke
PAUL HEIMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS BOYCE FORMS SYSTEMS, MUNCIE, IN.

RECEIPT

GENERAL FORM NO. 352

No 18481

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN., 2/29 19 96

RECEIVED FROM Wm. Haney Crute \$ 200.00
THE SUM OF Two Hundred & 00/ DOLLARS
ON ACCOUNT OF Easement Vacation

10c

PAID BY: CASH ☒ CHECK ☐ M.O. ☐

Tok B
AUTHORIZED SIGNATURE



Vacation Petition

Community & Economic Development / 1 Main Street Rm. 830
Fort Wayne, IN 46802 / (219) 427-1140

I/We do hereby petition to vacate the following:

☐ Plat or portion of plat

☒ Easement

☐ Public Right-of-Way (street or alley)

More particularly described as follows:

7' Utility easement on south side of lot No. 132, Village of

Buckingham, Phase II, except the west and east 25 feet of the 7 foot wide

(See Attached) easement. *West 22'*

(Please attach a legal description of the property)

The reasons for the proposed vacation are as follows:

There are no utilities in this easement. All utilities are

in easement of lot No. 133, Village of Buckingham, Phase II.

To be able to accomodate the proposed footprint on the attached document.

(If additional space is needed please attach a separate page)

Property owner(s) name(s): Left Guard Corp., Inc.

Street Address: 510 Washington Blvd

City: Ft. Wayne State: IN Zip: 46853 Phone: 424-1470

(If additional space is needed please attach a separate page)

Applicants Name (if different from above): William Haney
William Haney Construction

Street Address: P.O. Box 25035

City: Ft Wayne State: IN Zip: 46825 Phone: 637-6422

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Left Guard, Inc. agent Andy Kirtz Andy Kirtz 2/26/96
Signature Printed Name Date

Address

City/state/zip

Signature

Printed Name

Date

Address

City/state/zip

Agents Name (Please print legibly):

William H. Henry

Street Address:

~~#~~ *PO BOX 25037*

City:

FT WAYNE

State:

IN

Zip:

46825

Phone:

~~#~~ *637 6422*

NOTICE:

- Legal description is to be of the area to be vacated and must be complete and correct. If necessary a licensed surveyor's legal description may be required.
- All adjacent property owner's signatures must accompany this application.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicants may be required to bear the cost of relocation, or of providing a replacement easement or easements as needed.
- Applicant is also hereby informed that the vacation of a subdivision plat does not necessarily vacate any dedicated right-of-way(s) or utility easement(s), nor any restrictive covenants that may apply.

For Office Use Only:

Receipt #:

Date Filed:

Map #:

Reference #:

As property owner of Lot #131, I verify that I have been informed of the petitioner's request for variance

Deborah C. Batchelder

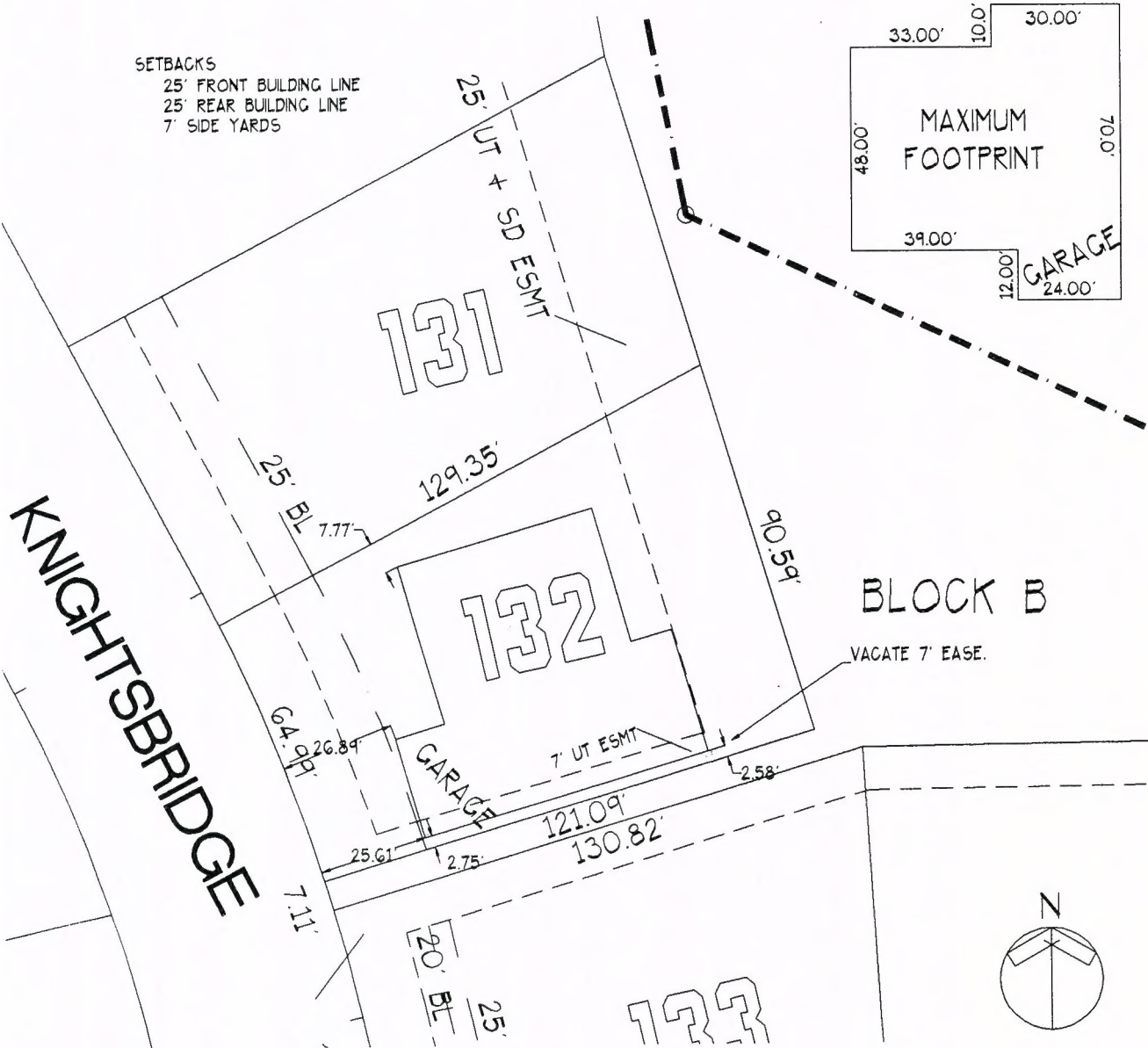
*DEBORAH C. BATCHELDER
2518 KNIGHTSBRIDGE DR.
FORT WAYNE, IN. 46815
PHONE: (219) 486-0544*

COIL & DICKMEYER, INC.
6044 EAST STATE BOULEVARD
FORT WAYNE, INDIANA 46815
(219) 749-0125

PROPOSED HOUSE LOCATION FOR LOT #132 IN THE VILLAGE OF BUCKINGHAM, SECTION 11, according to the plat thereof recorded in Plat Cabinet B, page 180, in the Office of the Recorder of Allen County, Indiana.

1" = 40'

SETBACKS
25' FRONT BUILDING LINE
25' REAR BUILDING LINE
7' SIDE YARDS



FACT SHEET

G-96-04-09

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Utility Easement Vacation

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

7' utility easement adjacent to Lot 132 in Village of Buckingham, Section II, except the e/w 25 feet of the easement.

Reason for Project

New single family home.

Discussion (Including relationship to other Council actions) 15 April 1996 - Public Hearing

William Haney, Haney Construction, petitioner, appeared before the Commission. Mr. Haney stated that they wish to vacate the easement in order to facilitate the construction of a new home. He stated that there are no utilities in this easement.

A Ms. Hamilton stated that she has purchased property on the street where the easement is requested to be vacated. She stated that she would like to see a bigger house built on the lot, because she felt it would increase the property value of all of the homes on the street.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

22 April 1996 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioner(s) providing utility relocations

POSITIONS

RECOMMENDATIONS

Sponsor

City of Fort Wayne

Area Affected

City Wide

Other Areas

Applicants/ Proponents

Applicant(s)
William Haney
City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

or easenents as needed.

Of the six (6) members present, five (5) voted in favor of the motion, the Chair did not vote.

Motion carried.

Members Present: Linda Buskirk, Ernest Evans, DeDe Hall, Richard Pierce, Dave Ross, Carol Kettler Sharp

Members Absent: James Hoch, Stanley Phillips, Thomas Quirk

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 29 February 1996

Projected Completion or Occupancy Date 29 April 1996

Fact Sheet Prepared by Patricia Biancaniello Date 29 April 1996

Reviewed by Date 30 April 1996

Reference or Case Number

RESOLUTION 82-216-7

WHEREAS, LEFT GUARD CORPORATION INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easement situated in Fort Wayne, Allen County, to-wit:

A seven (7') foot utility easement on the south side of Lot No. 132 in the Village of Buckingham, Section II, except the west and east 25 feet of the 7 foot wide easement.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Linda Buskirk, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED, APRIL 24, 1996 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 24 DAY OF APRIL 1996

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Linda Buskirk
Chairman, Board of Public Works

C. James Owen
C. James Owen
Member, Board of Public Works

Terrance P. McCaffrey
Terrance P. McCaffrey
Member, Board of Public Works

RESOLUTION

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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on April 15, 1996 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easement.

WHEREAS, said vacation of dedicated utility easement has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easement hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easement or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easement in Allen County, Indiana.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, April 22, 1996 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 23rd DAY OF April 1996

FORT WAYNE CITY PLAN COMMISSION

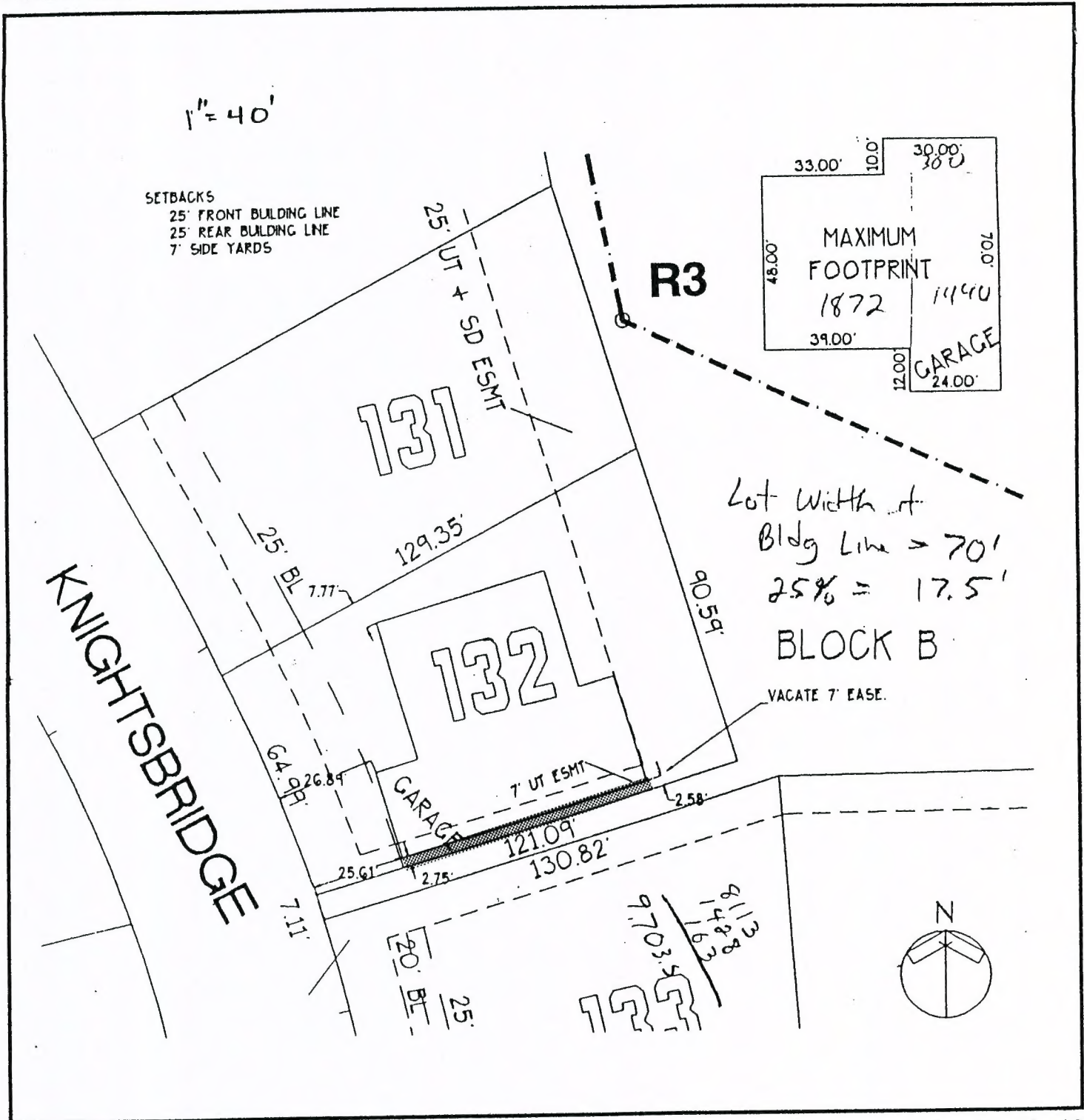
Carol Kettler Sharp

Carol Kettler Sharp
Secretary

VACATION PETITION

AREA MAP

CASE NO. #610



COUNCILMANIC DISTRICT NO. 2

Map No. U - 18
LW 2-22-96

R1 One-Family
R2 Two-Family
R3 Multi-Family
RA/RB Residential
PUD Planned Unit Dev.

B1 Limited Business
B2 Planned Shopping Center
B3 General Business
B4 Roadside Business
POD Professional Office District

M1 Light Industrial
M2 General Industrial
M3 Heavy Industrial
MHP Mobile Home Park

ORIGINAL

ORIGINAL

#610

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A portion of a 7 foot utility easement adjacent to and south of Lot #132 in the Village of Buckingham, Section II.

5-96-04-09

EFFECT OF PASSAGE Property is currently a dedicated utility easement. Property will be vacated and revert to the ownership of the adjacent property owner.

EFFECT OF NON-PASSAGE Property will remain a dedicated utility easement.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. G-96-04-09

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS
REFERRED AN (ORDINANCE) (~~XXXXXXXXXX~~) ~~(RESOLUTION)~~ for the purpose of
vacating a dedicated utility easement

HAVE HAD SAID (ORDINANCE) (~~XXXXXXXXXX~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~XXXXXXXXXX~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Rebecca Ravine

Thomas E. Hayhurst

Robert A. Bepko

James W. Crumpton

Robert A. Bepko

Thomas E. Hayhurst

DATED:

5-28-96

Sandra E. Kennedy
City Clerk